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SPEECH

OF

^{John}
MR. REED, OF MASSACHUSETTS,
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IN

RELATION TO THE FAILURE OF THE BILL

MAKING

APPROPRIATIONS FOR FORTIFICATIONS

AT

THE LAST SESSION OF CONGRESS.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES,

JANUARY 27, 1836.

WASHINGTON:

NATIONAL INTELLIGENCER OFFICE.

1836.

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SPEECH.

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The following resolution, offered by Mr. ADAMS, being under consideration, viz:

Resolved, That so much of the message of the President of the United States to Congress, at the commencement of the present session, as relates to the failure, at the last session of Congress, of the bill containing the ordinary appropriation for fortifications, be referred to a select committee, with instructions to inquire into, and report to the House, the cause and circumstances of the failure of this bill.

Mr. REED said, I feel embarrassed in rising to address the House on the present occasion. The subject is painful, but I am allowed no choice; and I proceed, without introduction, to state such facts as I deem important and relevant, concisely and plainly.

The President of the United States, at the commencement of the present session of Congress, alludes to the loss of the fortification bill in the following words:

"Much loss and inconvenience have been experienced in consequence of the failure of the bill containing the ordinary appropriations for fortifications, which passed one branch of the National Legislature at the last session, but was lost in the other. This failure was the more regretted, not only because it necessarily interrupted and delayed the progress of a system of national defence, projected immediately after the last war, and since steadily pursued, but also because it contained a contingent appropriation, inserted in accordance with the views of the Executive, in aid of this important object, and other branches of the national defence, some portions of which might have been most usefully applied during the past season."

The complaint is somewhat indefinite, (said Mr. R.) as the bill referred to passed both Houses of Congress, but not in concurrence. I presume it was intended to make the charge against the Senate. Though respectful in form, it is a grave and weighty charge. Appropriations were not made. We did some things we ought not to have done, and left undone *many things* which we ought to have done. I hold the President himself deeply implicated, and will not therefore answer to *his charge*. But I will suppose the charge comes from the people of the United States, and then I hold myself bound to render an account of my stewardship to my constituents and country. I will consider the charge as made against the Government—the President, Senate, and House of Representatives. I plead not guilty, and mean to exculpate myself. I intend to do more—to criminate others, and fix upon them the guilt, so far as guilt there may be, of defeating the passage of the fortification bill. I charge the defeat of that bill to the President, or a majority of the House of Representatives of the last Congress, being administration men.

In examining this painful subject, I determine to bear testimony to the truth—to state what I *saw*, and *heard*, and *know*. I intend to express my opinion upon the subject *frankly, firmly, and temperately*.

The President, in his message at the opening of Congress, in December, 1834, sounded the war trumpet, and it did not give an uncertain sound. The following are his words:

"It is my conviction that the United States ought to insist on a prompt execution of the treaty; and, in case it be refused, or longer delayed, take redress into their own hands. After the delay, on the part of France, of a quarter of a century, in acknow-

ledging these claims by treaty, it is not to be tolerated that another quarter of a century is to be wasted in negotiating about the payment. The laws of nations provide a remedy for such occasions. It is a well settled principle of the international code, that where one nation owes another a liquidated debt, which it refuses or neglects to pay, the aggrieved party may seize on the property belonging to the other, its citizens, or subjects, sufficient to pay the debt, without giving just cause of war. This remedy has been repeatedly resorted to, and recently by France herself towards Portugal, under circumstances less unquestionable."

The President's advice and recommendation, if not *war direct*, could not fail to *result in war* with France. What man believes we could have made reprisal, or seized upon a single ship of France, without producing war? A powerful nation may seize upon the property of a feeble and timid one, by way of reprisal, without resistance; but not so *as to France*. The message was a war message, and notified us to make the necessary preparation. But I desire to thank God our voices were *not for war*.

This message was referred to the appropriate committees. What *action* was had upon the subject? What preparations and what appropriations did the committees propose for fortifications and for defence?

I hold the bill, called the fortification bill of the House of Representatives, in my hand. It proposed to appropriate for fortifications, in all, the sum of \$439,000. The Journal of the House states:

"Mr. Edward Everett moved to amend the bill by striking out these words, 'viz:

"For the preservation of Castle Island and repairs of Fort Independence, 'in addition to the balance of former appropriations, \$8,000, and, in lieu 'thereof, insert the following, viz:

"For the preservation of Castle Island, and for repairing the fortifications 'on Castle Island, in Boston harbor, according to the plan adopted by the 'Board of Engineers on the 24th of March, 1834, in addition to the balance 'of former appropriations, \$75,000."

That all the forces of the House of Representatives might be rallied, we had a "call of the House," and then the vote was taken by yeas and nays: for the amendment 87, against it 120. These yeas and nays are in the Journal of the House of Representatives, page 225. Few administration men can be found among the yeas. The chairman of the Committee of Ways and Means, (Mr. POLK,) and the chairman of the Committee on Foreign Affairs *himself*, who *figured* so much in the *three million amendment*, are among the nays. They and others would not consent, notwithstanding the threatening aspect of war, to appropriate \$75,000 for the defence and protection of the harbor of Boston, and Boston itself, and the immense public property at the navy yard at Charlestown.

We of Massachusetts, and those who acted with us, were accused of extravagance and profusion for pursuing a course that would *increase* the expenditures, and render the administration unpopular. There was no *predisposition* to the *three million appropriation* at that time, or the *money* was intended for a very different object from that of the defence of Massachusetts and Maryland, &c.

The gentleman from Maryland (Mr. McKIM) moved to amend the bill by adding "for the repair of Fort McHenry, at Baltimore, and putting the same in a proper state of defence, \$50,000." The yeas and nays upon this amendment were, yeas 66, nays 129; and gentlemen voted as on the former amendment. The mover, though a good administration man, in the present case fared no better than others. Impartial injustice was dealt out to all propositions for amendments.

Again, Mr. Thompson moved an amendment: "viz. \$44,000 for the protection of St. Augustine." For the amendment, yeas 67, nays 115. This happened on the 15th of January, about 45 days before the memorable 3d of March, when \$800,000 (in addition to the amendments of the Senate, doubling the appropriation of the House,) was pronounced by the Secretary of State, Mr. Forsyth, to be a "*pitiful sum*."

Another motion was made by Mr. Parker, on the 19th January, to strike out "For a fort on Throg's Neck, East river, New York, in addition to a balance of former appropriations, \$30,000." The yeas and nays were, yeas 86, nays 113. The bill passed precisely as reported by the Committee of Ways and Means. We in the minority (said Mr. R.) were not allowed to increase the amount a single dollar. The bill, having passed the House of Representatives, was sent to the Senate. How did the Senate treat the bill? Did they attempt to reduce the amount proposed by the House? No. And yet one not informed upon the subject might well be led to think so, from the complaints from various quarters that the Senate *defeated* the ordinary appropriations for fortifications. On the contrary, the Senate considered the bill of the House of Representatives as wholly inadequate and deficient, in not providing for the defence of the most important and defenceless parts of the country. Their amendments to the bill of the House of Representatives were essential to the defence of the country—so all-important, that I name them particularly, viz:

For Fort Delaware, instead of \$70,000, \$150,000; being an ad-	
dition of	\$80,000
For Fort Mifflin, &c.	75,000
For Castle Island, &c.	75,000
For defence of Maryland,	100,000
For armament of fortifications,	100,000
Amounting to,	<u>\$430,000</u>

The bill was returned from the Senate with the above amendments; and, being so amended and returned to this House, it was absolutely within the power and control of this House. We had only to adopt the amendments, and the bill would have become a law, with the signature of the President. In that event, we should have added to our appropriation of \$439,000 The further sum of 430,000

Amounting to,	<u>\$869,000</u>
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all for fortifications, except one hundred thousand dollars for *armament for fortifications*. By the Senate's amendment, several States were to be protected and fortified. But this House *neglected* and *refused* to pass the bill, and were therefore guilty of defeating the *ordinary appropriation bill for fortifications*, and ought honestly to acknowledge it, and justify themselves as far as they may be able.

The House of Representatives of the last Congress must be responsible for the consequences. I speak of the *ordinary* appropriations. The extraordinary—the three millions—I will consider by and by. The President very justly makes the distinction in his charge; and I intend to make it and keep it distinctly in view, though the resolution we are considering proposes to inquire as to the cause of the failure of the ordinary appropriations only.

Although this bill was perfectly familiar to this House—our own child—we could not adopt it with the Senate's amendments. We took *time* to consider, in a session of 93 days, when there was *no time to be lost*. The bill was referred to the Committee of Ways and Means, that every dollar of appropriation should be scanned and scrutinized, that not a brick or stone should be laid upon our fortifications, unless it were absolutely required, and the cost counted. But the committee would not consent to appropriate for Massachusetts, Maryland, Pennsylvania, Delaware, &c. They reported amendments to the Senate's amendments, and the bill was reported to the House, with the amendments, on the 3d day of March; but the House finally agreed to the amendments of the Senate. What next? At 8 o'clock, on the 3d of March, the last night of the session, still *holding and detaining* the fortification bill in our possession, an amendment was proposed of an entire new section. It deserves not the name of *amendment*. It was a proposition, at that late hour, entirely to change a bill we had been examining for months. It was in the following words:

"*And be it enacted, &c.* That the sum of three millions of dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the navy: *Provided*, Such expenditure should be rendered necessary for the defence of the country, prior to the next meeting of Congress."

This amendment was proposed by the chairman of the Committee on Foreign Affairs. The appropriate Committees on Military Affairs and Naval Affairs, and even Ways and Means, were all superseded. The three million amendment came upon us sudden as a thunderbolt, without report or estimate, or explanation. We were called upon to vote. There was *no time for debate*; and all we could do was to call the yeas and nays, and record our names upon the journal. Well might we be astonished; and our astonishment was not a little increased to see the very men, *chairmen and all*, who would not consent to add \$175,000 to defend two of the principal cities in the Union in an exposed and defenceless state, ready in a moment to vote three millions. But so it was. And we Representatives, not intrusted with Executive secrets, were left to wonder what could have produced so sudden and extraordinary a change. The tables were turned. Profusion and extravagance took the place of parsimony, and precipitation that of tardy delay. I repeat, without stopping to *deliberate*; for we had no time, we voted and adopted the three million section, and *called* it an amendment to the bill. It passed, yeas 109, nays 77. We then sent the bill *so amended* to the Senate for their approval. And here, give me leave to say, it is *all-important* to the correct understanding of this controversy to inquire at what *hour* we sent it to the Senate. We sent the bill to the Senate at *eight o'clock P. M.*, four hours only before the close of the session, according to the opinions of some of the members of the House of Representatives. Well might the Senate be astonished. But we are told that "the Senate did not receive it in good temper."

The gentleman from New York, (Mr. CAMBRIDGE,) who just closed his speech, has tendered what he calls the *true issue*, and it is this: "Who defeated the three million appropriation?" intended, as he says, to provide for a contingent war. I must remind the gentleman that he has wholly forgotten the resolution we are discussing. The resolution proposes to inquire into the causes of the failure of the *ordinary appropriation* for fortifications. Surely the three millions was not *ordinary*, but *most extraordinary*. I will examine that subject before I sit down.

The President secretly and improperly interfered, to induce the House of Representatives to act "in accordance with the will of the Executive." We have just learned in this debate that the chairman of the Committee of Ways and Means (Mr. POLK) was an *agent* to that effect, and enjoined secrecy upon some, at least, of those whom he informed that the President wished to obtain the three million appropriation. The then chairman (now SPEAKER) being called upon, has stated it from his chair publicly, and it has been publicly confirmed by the gentleman from Tennessee, (Mr. LEA.) The President, in so doing, greatly erred. There can be no justification for such *secret* interference and influence in this House. I saw we were swiftly swept along against the apparent current, by a strange *undertow*, the cause unseen and unknown. Those who would not vote for \$50,000, or \$75,000, in addition to the \$439,000, were now *ready* for three millions; and *ready* to *denounce* any man as regardless of his country's danger and country's honor who would refuse to vote for that sum.

The proposition to annex a section to the appropriation bill for fortifications, of three millions, was most extraordinary. The President had not recommended it. The Committee of Ways and Means had not examined it. There was no report of any committee in favor of it; no estimate from any body; no specification; no precedent. The gentleman from New York (Mr. CAMBRELENG) has just read a number of cases which he considers precedents—cases of general appropriations of money to a considerable amount. I have now no opportunity to examine the cases he has referred to. They seem all to be of ancient date, and most of them specific. The case mainly relied upon is that of two millions, in 1806, and which the gentleman informs us is "so important, comprehensive, and indefinite, and applies so directly to the case." If my recollection be correct, that appropriation was called "secret service money," put into the hands of the President to purchase Florida. There was, I think, at the time, loud complaint against that appropriation. It was answered, that the object of the appropriation must be kept a secret, or the purpose for which it was appropriated would be defeated. Does the gentleman view that case like the one we are considering? Was the three millions of last year, proposed to be added to the fortification bill, considered secret service money? I defy the gentleman to find a case like the three million proposition of last year. The history of our legislation does not furnish it, in my opinion—an appropriation of such vast amount, made without time for examination and without specification.

The three million amendment was first presented to the notice of Congress *six hours* only before the close of the session, without *report* or *time for examination or discussion*. Sir, for such a precedent I am quite sure gentlemen will search in vain. Things ought not so to be. We are bound to examine and consider before we decide such important subjects, and vote away such large sums. We want *time*, and *facts*, and *estimates*, and *specifications*; and we ought not to act in the dark, under the influence or dictation of *any man*.

But my colleague (Mr. ADAMS) has discovered a reason and foundation for the three million appropriation, to me as *novel* and *extraordinary* as was the proposition for the appropriation itself. It was, he says, founded on his resolution; which I will consider hereafter.

In presenting the resolution now under discussion, the gentleman from Massachusetts, my colleague, saw fit to indulge in a course of remarks wholly unlooked for, and of the most painful character.

The resolution is one of inquiry; its object is the ascertainment of facts; it asks a special committee. By the usage of this House, should the resolu-

tion pass, the mover would be appointed chairman. But my colleague (Mr. ADAMS) has seen fit to give a minute and detailed history of what *he* supposes facts, in the *very case* to be *investigated*. He has done it in a spirit and temper ill calculated to inspire confidence in his impartiality. Was it necessary, or expedient, or commendable, or justifiable, to use such language of violence and abuse towards Senators and the Senate of the United States?

The rule in what is called Jefferson's Manual, our book of rules, is as follows: "It is a breach of order in debate to notice what has been said upon the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses." This rule is not an empty form. How all-important to maintain kind and respectful feelings between two bodies, who must act in unison, or the operations of the Government must cease! With this rule before him, and with strong and reiterated professions of a desire to promote harmony between the different departments of the Government, my colleague has quoted in this debate the votes and speeches of Senators, and denounced the *Senate* with unmeasured severity, and thereby violated most palpably the rule above named, and set at naught all his professions in favor of harmony and a good understanding. His speech is a poor commentary upon his professions, and I listened to it with regret and pain.

My colleague, throughout his speech, has had much to say about *man-worship*. I never heard him accused of that idolatry. But there is another kind of idolatry, of which, perhaps, some are in more danger—I mean the worship of—what my colleague was pleased to call, a few days since, in this House—*our noble selves*.

Next to being *right*, we all *desire* to be *consistent*. That desire is lawful and commendable; but we are in danger of putting the *consistent* before the *right*, and that is a sore evil under the sun.

My colleague, in his speech, in reference to the fortification bill, 1st, defended himself throughout. Of this I do not complain. I mean to imitate him. 2dly. He defended the majority of the House of Representatives, even when opposed to himself. 3dly. He defended the conduct of those who urged constitutional scruples in opposition to him, and his opinions, in relation to the hour of adjourning, and who broke up a quorum, and defeated the bill. But my colleague (Mr. ADAMS) is very indignant at two things: 1st. An expression used by a distinguished Senator from Massachusetts, (Mr. WEBSTER,) who, after showing, in an able and masterly argument, the *unconstitutionality*, *danger*, and *inexpediency* of voting for the section proposed by the House of Representatives, "adding the three millions," observed, "if the proposition were now before us, and the guns of the enemy were battering against the walls of the Capitol, I would not agree to it." And he immediately adds, "the people of this country have an interest and property, an inheritance, in this instrument, (the constitution,) against the value of which forty Capitols do not weigh the twentieth part of one poor scruple."

My colleague quoted the first sentence, and used *language* in reference to the quotation, and in reference to the great and distinguished man, the author of those remarks, which I will not repeat, *wholly unjustifiable, and without foundation*. But I stop not to *eulogize* or *defend* the distinguished individual referred to. He needs not my aid. I merely ask my colleague why he did not quote the *argument* of the Senator from Massachusetts, and why he selected a *single isolated sentence*? I ask my colleague, if he had entertained

the same opinions as did the Senator referred to, that the "three million section was *unconstitutional, inexpedient, and of most dangerous tendency*," whether *he* would have voted for it to save the Capitol, or his own life?

The other thing that excited my colleague's hot displeasure was, a resolution sent by the Senate to the House of Representatives, on the 3d of March, as follows, viz:

"*Resolved*, That a message be sent to the honorable the House of Representatives, respectfully to remind the House of the report of the Committee of Conference appointed on the disagreeing votes of the two Houses on the amendment of the Senate to the bill respecting the fortifications of the United States."

And my colleague makes the following comment: "When that message was delivered, he must confess, if ever a feeling of shame and of indignation had filled his bosom, it was at that moment. He felt it as an insult to the immediate representatives of the people; and if it had been sent at a moment when the House yet existed, with the power to resent unprovoked insult, he verily believed that, imitating the example of our Congress in a somewhat similar case, during the revolutionary war, he should have moved that a message be sent by two members of the House to cast the Senate message on their floor, and tell them that it was not the custom of the House to receive *insolent* messages. It was, perhaps, well that he had no opportunity to give vent to those feelings."

The above message was sent after anxious waiting in the Senate to hear from the House of Representatives. The Conference Committee had separated, and the Senate's committee had long before reported to the Senate, but nothing was heard from the House of Representatives. Was there just occasion for such a burst of indignation as my colleague describes, and which agitated his breast, and urged him to do that which, if done, must have dishonored both him and the House of Representatives? And yet he takes frequent occasion to complain of the Senate that they received the amendment of the House of Representatives in *bad temper*.

I was *here*, Mr. Speaker, upon that abasing and mortifying occasion. It was a painful night. Though subject to like passions as other men, I desire to be thankful that I was not on that occasion so filled with "anger and indignation." I felt humbled by the gross misconduct of *some* in this House. I saw things *here* that were wrong and wholly unjustifiable; and if I felt anger rising in my breast, that feeling was tempered, moderated, and repressed by the high and responsible obligations of duty to my country. These obligations had an influence paramount to passion. I was for the fortification bill. I was for substance, and not form. I was *not for war with the Senate, but for the defence of the country*.

I beg for a moment to consider certain resolutions which are supposed to materially affect the present controversy: I refer to resolutions from the Committee on Foreign Affairs, reported to this House on the 27th of February, four days only before the close of the session. *These were the war resolutions*, the foundation of the three million appropriation.

On the 2d day of March, late in the day, the war resolutions of the Committee on Foreign Affairs were brought before the House by a motion of the chairman (Mr. CAMBRELENG) to discharge the Committee of the Whole. This motion, as every body knows, was made to facilitate and hasten the adoption of those resolutions. The vote was taken by ayes and noes—ayes 104, noes 92. The administration party were too strong; we were beaten. How did we vote? Was my colleague then in favor of passing resolutions as the foundation of war appropriations? No: *he* voted with us. But the committee were discharged, and the resolutions were brought before the House; and the

Journal states the House then proceeded to the consideration of the said reports, viz. the reports of the majority and the minority; and the resolutions recommended by the committee were read, as follows. I here read from the Journal, page 496:

"1. *Resolved*, That it would be incompatible with the rights and honor of the United States further to negotiate in relation to the treaty entered into by France on the 4th of July, 1831; and that this House will insist upon its execution as ratified by both Governments."

"2. *Resolved*, That the Committee on Foreign Affairs be discharged from the further consideration of so much of the President's message as relates to commercial restrictions, or to reprisals on the commerce of France.

"3. *Resolved*, That contingent preparation ought to be made, to meet any emergency growing out of our relations with France.

"Mr. John Quincy Adams, on the 27th of February ultimo, proposed to amend said resolutions, by striking out all thereof after the word *Resolved*, in the first resolution, and inserting the following:

"1. *Resolved*, That the rights of the citizens of the United States to indemnity from the Government of France, stipulated by the treaty concluded at Paris on the 4th of July, 1831, ought, in no event, to be sacrificed, abandoned, or impaired, by any consent or acquiescence of the Government of the United States.

"2. *Resolved*, That if it be, in the opinion of the President of the United States, compatible with the honor and interest of the United States, during the interval until the next session of Congress, to resume the negotiations between the United States and France, he be requested so to do.

"3. *Resolved*, That no legislative measure of a hostile character or tendency towards the French nation is necessary or expedient at this time."

The resolution of my colleague was modified; the words "*at all hazards*" were stricken out to make it *entirely* pacific, and leave not the *semblance* of a threat, to *hazard nothing*; and, so amended, it passed unanimously. I give the words of my colleague:

"This sentence, from which, with the general assent of the House, the words 'at all hazards' had been withdrawn, was finally moved by me: and every member present, two hundred and seventeen in number, answered at the call of his name, *ay*.

"The resolution was in these words:

"*Resolved*, That, in the opinion of this House, the treaty with France, of the 4th of July, 1831, should be maintained, and its execution insisted on."

As the gentleman from New York (Mr. CAMBRELENG) has stated some conversation about this resolution as a substitute for the resolutions of the committee, I trust I may be permitted to say a word in relation to myself. I took no part in the debate; but if my life had been at stake, I could hardly have felt more interest. The war resolutions were combatted with argument and spirit. It was on that occasion that my colleague was said to have made his *peace speech*, when he declared he would have *dodged* the war question himself, and he *approved the course of the Senate*. I was delighted with it. It was *peace, and not war*. But the conflict was severe, and the House very nearly equally divided, and I feared *war resolutions*, by possibility, might pass; I went across the chamber to see the chairman of the Committee on Foreign Affairs, (Mr. CAMBRELENG;) I proposed to him to take the resolution of Mr. Adams as amended, which we afterwards adopted. I observed, you may entirely fail. He asked if my side, or party, would vote for it. I replied I could answer but for *me*; I would vote for it. This resolution was adopted unanimously. But, judge what must be my astonishment, when I hear my colleague (Mr. ADAMS) say:

"He hoped he had shown that the section making the appropriation of three millions was introduced from absolute necessity, on the last day of the session, because it was in consequence of the unanimous vote of the day preceding. Was he now to be told that this and the other House must not appropriate money unless by recommendation from the Executive? Why, sir, the Executive has told us now that that appropriation was perfectly in accordance with his wishes. He again repeated, why was it that the House must be charged with man-worship and unconstitutional conspiracy, because they passed an appropriation of three millions *for the defence of the country*, at a time when imminent danger of war was urged, as resulting from that very resolution which but the night before passed by a unanimous vote? Because, forsooth, that appropriation had *not* been called for by the Executive, and yet because it *was* approved by the Executive."

Does my colleague mean to say that *any body* in the House of Representatives *ever pretended* that his *harmless, peaceful resolution* was the foundation of a *war appropriation*? Does he *pretend*, after all that passed, that any body ever *said* or *thought* that "imminent danger of war" resulted from his *peaceful resolution*? Had that been the fact, had it been so understood, would *he*, or *any* man, pretend that a unanimous vote could have been obtained? Mr. Speaker, precisely the *reverse was the fact* in relation to myself. I believe it was so as to a majority, if not all of that House, excepting my colleague. I am quite sure it was so in reference to those with whom my colleague acted, called the peace party, the party opposed to Executive recommendation, as to the dispute with France. We resolved that the treaty with France of 4th of July should be maintained, and its execution insisted upon. How? By war, or war measures? No. By *negotiation*. By *explanation*. By giving France an opportunity to see and feel that her honor is pledged to fulfil the treaty, and that we will continue to urge and insist upon its fulfilment.

It will be long remembered that my colleague (Mr. A.) made a speech in the House of Representatives, I think on the 7th of February, in reference to our difficulties with France, and a few days before the "*war resolutions*" I have been speaking of had been presented. That speech was considered an unjustifiable attack upon the Senate for their pacific course in relation to France, and was called a war speech. I was among those friends who believed, from various circumstances, that my colleague's views had been in some measure misunderstood; and I so represented it *here* and *elsewhere*. I found difficulty in understanding the phrase used in his speech, "dodging the question," as applied to the Senate, in a good sense; but I had the highest authority for so understanding it. In about one week afterwards, my colleague made a speech in this House called "*a peace speech*," in which he approved the course the Senate had pursued in relation to France, and said he would "*dodge the question himself*." His *pacific resolutions were in accordance with his peace speech*. Are we now to be told that "imminent danger of war was urged as resulting from the resolution we adopted, and that the adoption of that resolution was good and sufficient cause for the three million appropriation?" I heard no such argument *then*. My colleague's various speeches and resolutions in relation to our dispute with France *seem* so contradictory, that I leave to his own genius and learning the labor of showing his consistency. I affirm, if the resolution contemplated *war, or preparation for war*, it was to the House of Representatives *war in disguise*.

And, again, my colleague says, referring to said third resolution: "The resolution was laid on the table at the motion of the chairman of the committee who had reported it, and who then, in my hearing, and in the hearing

of all in the House who chose to hear him, gave notice that he should, in its stead, move an additional appropriation in the fortification bill then before the House. Whether he named the sum of three millions as that which he should propose, or not, I do not recollect. He had openly spoken in the House, before, as contemplating a *larger* sum. Considering the contingent and possible danger against which it was to provide, I thought the sum certainly not too large."

I believe it, because my colleague says so, and because the gentleman from New York declared it in his speech a few minutes ago. What was the mighty import of such a declaration made by a disappointed chairman, defeated in his projects, and by the efficient aid of my colleague too? He and his friends were defeated and disappointed. Peace prevailed over war. But the gentleman from New York threatened, as he retreated, to ask for additional appropriations, &c.; and this happened on the evening of the 2d of March, and *that was notice* of the three millions. I purposely, on this occasion, avoid going into a consideration of the value and importance of preparation for defence in time of peace. It does not appertain to this debate; but those who are now accused of neglect have steadily pursued that policy to a *reasonable extent*, and, by so doing, have subjected themselves to the *reproaches* of their *present accusers*.

But my colleague quotes the third resolution of the Committee on Foreign Affairs, as follows: "*Resolved*, That contingent preparation ought to be made, to meet any emergency growing out of our relations with France;" and he says, "This was the resolution intended to sustain at once the spirit of the President's recommendations, and the sincerity of the resolution just adopted by the House." I perfectly concur with him that the above resolution was intended to sustain the recommendations of the Committee on *Foreign Affairs*; but, *be it remembered*, those resolutions were *virtually rejected*, and my colleague's *peace resolution substituted*. I deny that the three million appropriation ever was intended to sustain the sincerity of the resolution adopted. *Never—never.*

I again refer to the resolutions I have read—Foreign Affairs, and my colleague's substitute:

<i>Third resolution of Foreign Affairs.</i>	<i>Mr. Adams's substitute for the third resolution.</i>
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"*Resolved*, That contingent preparation ought to be made, to meet any emergency growing out of our relations with France."

"*Resolved*. That no legislative measure of a hostile character or tenor towards the French nation is necessary or expedient at this time."

According to my recollection, the speeches were more at variance, if possible, than the resolutions themselves.

Let us for a moment examine the defence of those who professed to have constitutional scruples as to the time of the termination of Congress; and here I read my colleague's argument, as follows, viz:

"He was not one of those who believed that the session ended at midnight. In his opinion, the two years' duration of Congress was from the time of day at which the House commenced its session—say the hour of noon on the 4th of March. He believed that to be the true construction of the constitutional term of two years; but it was a constitutional question, and it was not for him to judge of the motives of men who conscientiously believed that the period of their political existence had expired. When the Cumberland road bill passed, the question was taken by yeas and nays, and the vote was 94 to 80, making 174 votes. Here was a quorum voting, which showed that the

House, at 12 o'clock, was doing business; but in ten minutes after that, no quorum could be found—not in consequence of there not being members present, but in consequence of their conscientious scruples. He recollected the instance of a gentleman from Georgia, (Mr. GILMER,) a man as conscientious and as intelligent as any member of that or the present House, who, upon being called, refused to answer, and gave as his reason that he was no longer a representative of the people, and, immediately after the vote was taken, went out of the House at that door, and never returned. It was not, therefore, the want of a sufficient number of members present, but from the conscientious conviction of so large a number of the members, as reduced the remainder to less than a quorum, that they had no right to vote on any thing in the House. After that took place, the Committee of Conference returned to the House, but no report was made; and what was the reason? Because there was no House. The roll was called, and no quorum was to be found.

“He said he did not consider that the constitutional term of two years, assigned to the members of the House of Representatives, and the term of four years, during which the President holds his office, commence or expire at midnight. The services of two and of four years commenced running from the time when the members of the first Congress assembled to commence the operations of this Government under the constitution of the United States, which was on the 4th of March, 1789, at noon. The two years from that time expired, not on the 3d of March, 1791, at midnight, but on the 4th of March, at noon. The expiration of a year is not from noon to midnight, but from noon to noon. It is so, astronomically, by the law of nature. The time at which a day shall commence and terminate is a matter altogether arbitrary and conventional. Some nations have, in their civil computation, commenced the day at sunrise, and some at sunset—some at midnight, and some at noon. Astronomers and navigators always reckon the day from noon to noon; and why should not the constitutional computation of time follow the same law, which is the law of nature? The principle once established, could be attended with no sort of inconvenience; whereas the computation from noon to midnight must be subjected once every two years to a solution of continuity for twelve hours by the non-existence of a House of Representatives, and once in every four years to an interregnum or vacancy in the office of President of the United States. Emergencies might easily be foreseen, perhaps even precontrived, in which either of those events would be attended with very great public inconvenience. Monarchical Governments are always guarded with the utmost possible care against every solution of continuity: their kings never die. It would be a radical defect in every republican Government not to be invested with the same official immortality—the office always filled, however frequently the individual incumbent may be changed. It was therefore my opinion that the House might have sat transacting business till noon of the 4th of March; and, accordingly, my name will be found and recorded on every taking of the yeas and nays until the adjournment, after it was announced that the Senate had adjourned.

“Mr. A. said that was his opinion then, and he had then expressed it to the House; but it was not the opinion of a large number of members of the House. The members were in the House ready to vote, but in their opinion the time had passed. Now, whatever was doing at that time in the House might have been known to every member of the Senate, if they had seen fit to make the inquiry. It was perfectly known that after that time no quorum of the House could be found. No vote was taken. The House was *de facto* dead.”

I will only add, that the usage and construction as to the time of the expiration of office, I believe, have been uniform; that it has happened very frequently, I know, that Congress have been in session hours after 12 o'clock, the 3d of March, and at the expiration of their respective terms of office; and so of all our Presidents. General Washington, as I have been informed, and believe, at the expiration of his first term of four years, arose, after he had been in bed, at 2 o'clock in the morning of the 4th of March, and signed many bills, which, in consequence of his signing, became laws, affecting life and property. Have we not all heard of the midnight judges, &c. of the elder Adams? Mr. Jefferson did the same. Mr. Madison, Mr. Monroe, and my colleague himself, unless I greatly misremember, imitated the example of all his predecessors. Who ever seriously called it in question until the 3d of March, 1835, when the appropriation for fortifications was before us, and the three millions *could not pass* the Senate?

Yet, after presenting the above unanswerable argument in defence of *himself*, as well as *others*, my colleague is at no loss to find a perfect apology for those who violated the constitution and their duty, and defeated the bill. My colleague says, after the return of the Committee of Conference, "there was no House—not for the want of numbers;" the roll was called, and no quorum. Why? Because a number refused to answer. He states "a large number were ready to vote, but the time had passed; and it might have been known to every member of the Senate, if they had seen fit to make the inquiry." Again: "the House was *de facto* dead." But my colleague has himself shown, conclusively, it was not dead *de jure*. It was rightfully and constitutionally alive, and the Senate were bound so to consider it, and govern themselves accordingly. They did so act; and their notice and attention to the House, after they chose to *consider themselves dead*, though present and noisy, seems to have incurred the peculiar displeasure of my colleague and the gentleman from New York (Mr. CAMBRELENG) who has just resumed his seat.

But Mr. Gilmer, of Georgia, refused to vote, on account of conscientious scruples. His case, I believe, has been named by every speaker on this subject. I knew Mr. Gilmer, in this House, for a number of years. I believe he is a pure, honest, and honorable man. He entertained, *we* thought, many singular opinions of the constitution, and he widely differed from us in its construction. Mr. Gilmer had *scruples*; and what did he do? Arose, declined acting, and left the House, and has never since returned. The very praise and commendation bestowed on Mr. Gilmer is censure to those who entertained the same doubts, and yet remained *here to vote, or not to vote*, as circumstances made the constitution more or less dear in their estimation. But Mr. Gilmer is the standing witness of honest scruples. "*Exceptio probat regulam.*" Where were the other Mr. Gilmers, or those who trod in his steps? The gentleman from New York (Mr. CAMBRELENG) was so pressed with conscientious scruples, that he refused to report and act upon the fortification bill; but his conscience was less scrupulous as to other matters, and he staid to vote and act, and did vote and act, upon other subjects before the House, long after he refused to act upon the fortification bill. Let him reconcile such inconsistency.

The House was reduced, in a short time, by scruples, from 174 to 111, and this appears on the yeas and nays; and, by looking at the names on the yeas and nays at the two different periods, those "noisy dead men" my colleague speaks of may be known as *absentees*, though *present*.

I most solemnly aver to my constituents and country that I was in favor of the fortification bill; that I thought the original bill insufficient, and tried

to increase it; that I voted against the three million amendment with pain, because I wished a liberal specific appropriation; but I believed the three million section a violation of the spirit of our free government, and of *dangerous* tendency. I well remember a conversation on that night with a worthy member, not now here. He asked me why I did not vote for the three millions? I replied, that three millions was a great sum; the use to be made of it was not specified, &c. He answered, General Jackson will not *spend* a dollar of it, &c. I then rejoined, if that be so, it ought not to be voted; you have confidence in the President, which I have not; but if three millions may be so voted without specification, twenty millions may be so voted; or words to that effect. It may not be safe, even in your opinion, hereafter to trust it with other Presidents. It is a dangerous and unsafe precedent, and ought not to pass.

I had been educated to believe that the President of the United States had not too much power. I had heard much said of the dangerous tendency of presidential power, and of the increase of that power. But I never witnessed so much evidence of the truth of that democratic apprehension as on the night of the 3d of March, 1835. I declare most solemnly, that, in my opinion, (and I saw those who *were counted and who were not*,) there *was a quorum* until we adjourned. I believe I had the honor to make some of the last remarks upon a motion to call the House. I then stated that there was a quorum present, and it was well known to all, that when gentlemen *chose* to be counted, they were *present*; and when they *chose* not to be counted, they *retreated* or *refused* to vote; that the most important business of the session yet remained undone, &c.

Much has been said by my colleague and others in regard to a vote of the Senate to *adhere* against the amendment proposing the three millions. It is said that that vote of *adherence* was contrary to all parliamentary usage, and was the cause of all the evils we experienced on the 3d of March, and the loss of the bill itself. The gentleman who has just sat down (Mr. CAMBRELENG) has made the same complaint.

As gentlemen speak with confidence, I will refer them to a case in point, and precisely the reverse of what they suppose the parliamentary usage; and I trust the authority will not be questioned by my colleague, or the gentleman from New York. The case I refer to is found in the Journal of the Senate, 19th Congress, 1st session, pages 306 and 307. Here Mr. REED read the case. [Mr. ADAMS called aloud to know the book and page.] The House of Representatives and Senate disagreed as to a judiciary bill, and "Mr. Van Buren, chairman of the Judiciary Committee, drew up a report, which concludes with resolving *not to insist, but adhere*, and but twelve dissented; and the report states, it is expressly within the rules, and best to prevent the unprofitable formality of a conference at this advanced period of the session." Mark, sir, this happened fourteen days before the close of the session. In the case of the fortification bill, the Senate had determined not to agree to the three million section, and a few hours only must close the session.

Mr. Cambreleng then moved that the House *insist* on said amendment; which motion was agreed to. The Senate then voted to *adhere* as to the three millions. A motion was again made in the House of Representatives to *recede*, and give up the three millions. We voted nearly as before; my colleague, (Mr. A.) and other colleagues, and myself, voting to *recede*: ayes 88, noes 107. A conference with the Senate was then proposed and passed, and conferees appointed. The conferees of the House and Senate agreed upon a compromise. The bill was to pass with all amendments, and, instead

of \$3,000,000 in gross, it was agreed to add \$800,000, and make it specific, viz: \$300,000 for arming the fortifications, and \$500,000 for repairs and equipment of ships of war. And my colleague finds fault even with this compromise, and says: "The appropriation was made positive, instead of being contingent upon a necessity not certain to come; and it was confined to two objects of permanent ordinary appropriation, still leaving the possible contingent danger unprovided for." I confess I am wholly at a loss to know what my colleague *did desire*. I can see one thing very distinctly—that he *does not desire* to agree with the Senate.

The appropriation bill, as agreed upon by the Committee of Conference, might have passed before or after the hour of 12 o'clock. I have no doubt the conferees returned before half-past 11. I have every reason to believe it. It might have passed after 12 o'clock, but for the improper interposition of a few members of this House, the friends of the Executive.

The bill was then returned to the House, and "a motion was made by ' Mr. Gholson that the House *recede* from its amendment, proposing to insert ' an additional section, as the second section of the bill, containing an appropriation of \$3,000,000." On this question, there were yeas 87, nays 110. All my colleagues, including Mr. A., voted to recede and *strike out* the \$3,000,000, upon the success of which one might suppose some men thought the salvation of the country depended.

The report of the Committee of Conference was delayed by the chairman. After much delay, (the precise period I cannot state,) Mr. Lewis, another member of the committee, made the report; but objections were made that there was no quorum, and, therefore, it could not be adopted. The business was intentionally delayed, and the little time we had, wasted. Tellers were appointed; Mr. Cambreleng and Mr. Lewis, on counting, found there was not a quorum; not that a quorum was not present, but a sufficient number took care to be out of the way to defeat a quorum. And my colleague says, we had not the power of Joshua of old, who commanded the sun and moon to stand still. We wanted not such power, but the power to *move* in the discharge of duty.

I have overlooked one fact of some importance; it is this: "Mr. JARVIS " moved the following resolution, viz: '*Resolved*, That the hour having arrived " when the term for which this House was elected has expired, we do now " adjourn.' The said resolution was read, when the Speaker decided that it " was not in order to offer it at this time, unless by unanimous consent, or a " suspension of the rules; but suggested that the object aimed to be attained " by the resolution could be accomplished by a motion that the House do " adjourn. Mr. JONES, of Georgia, then, for the purpose of trying the ques- " tion, and ascertaining whether the House thinks itself authorized to continue " in session, and to transact business after 12 o'clock at night on the 3d day " of March, moved that the House do adjourn. And the question being put, " it was decided in the negative." This negative is a negative pregnant, affirming that we did think ourselves authorized to do business after 12 o'clock; thereby setting the seal of our deliberate vote to our own condemnation. But remember, the memorable report of the Committee of Conference had not then been made, though it should have been done, and there was a press of business that many members were desirous of transacting. The *main pressure* of constitutional scruples was upon the fortification bill, without the three million amendment.

Mr. Speaker, the fortification bill was reported to the House of Representatives January 2d, and passed the House January 21st, fifty-two days from

the commencement of the session. We took fifty-two days out of the ninety-three to prepare the bill. It was then sent to the Senate, and returned February 24, after thirty-four days, and seven days before the close of the session.

Our bill, as it passed the House of Representatives, contained appropriations for fortifications, - - - -	\$439,000
Senate's amendments, as finally agreed, - - - -	430,000
	<hr/>
	\$869,000

Had we agreed to those amendments without adding a section of three millions, it would have passed without dispute.

By the conference, it was further agreed to add \$300,000 for arming the fortifications, and \$500,000 for repairs and equipment of ships of war, making - - - -

	\$00,000
	<hr/>
	\$1,669,000

in all, one million six hundred and sixty-nine thousand dollars; a respectable sum—very respectable compared with \$439,000; and one would think, of all others, a majority of the House of Representatives ought not to complain.

Mr. Speaker, I perceived, before the hour of 12 o'clock on the 3d of March, a *determination* not to pass the bill. The report of the conference was held back. The bill was delayed. The chairman would not report, but voted, and spoke, and acted upon other business. Mr. Lewis at last reported the bill, and then constitutional scruples were interposed as to the hour and minute, and gentlemen would not answer when called. I believe the bill (the motives that influenced gentlemen I leave to themselves) was defeated *intentionally* by those who were known and called administration men.

Why did they, under various pretences, detain and defeat the whole bill? No change had taken place in our relations with France. There was no cause for change in appropriations, unless the *secret will* of the Executive produced that change. The House of Representatives acted a most singular and inconsistent part. They could not be induced to add a dollar to their bill appropriating \$439,000, until March 3d in the evening, and then they insisted upon adding three millions, and it must be *that or nothing*. My colleagues and myself voted for *all amendments* and *all increase*, except the three millions, and would gladly have added the \$800,000. But it must be three millions in addition, or the whole bill must be destroyed. *It was destroyed*. I could not vote for three millions. It was large in amount, indefinite in its object, for military and naval service, generally, under the direction of the President. The President's message was a war message. He had frequently, as far as I know, with every body, spoken of his desire for reprisal and war; and *he* knows how to accomplish his purposes better than any other man. I feared the consequences of putting the money in his hand.

I deeply lamented the failure of the fortification bill. Though I have long been a member of the House of Representatives, I never witnessed there such strange proceedings as on the 3d of March, in regard to the fortification bill. If the President believed the public good actually required an appropriation of three millions, which he informs us in his message "*was inserted in accordance with the views of the Executive*," he ought to have so informed us—not *privately*, to a few, but *publicly*—and to have presented the *reasons* for his *views*, that we might judge and act as responsible, free, and independent Representatives of a free people. But three millions was "*inserted in accordance with the views of the Executive*;" a *less sum* was not in *accordance* with his

views. And when a *less sum* was agreed upon by the Committee of Conference, and the chairman (Mr. CAMBRELENG) had returned to this House to make report of the result, (as he has just informed us in his speech,) he met in this House Mr. Forsyth, Secretary of State, who inquired whether the Committee of Conference had agreed; and, when informed that a compromise had taken place, and that \$800,000 had been agreed upon instead of *the three millions*, Mr. Forsyth pronounced it *a pitiful sum*. It will be understood that the President and his Cabinet sit in a room appropriated for the purpose in the Capitol, during the last night of the session, to facilitate the business. The Secretary of State sits at the right hand of the President, as an adviser. He had just left the room, and might well be presumed to know and *express the will* of the Executive. It was not in accordance with the will of the Executive; and that was well understood by the chairman, by the remarks of the Secretary of State, if he heard nothing more; and he, and others who acted with him, seemed most suddenly to lose all interest in the bill. It was *determined* that the bill, as finally agreed upon by the Committee of Conference, should *not pass the House*; that, as the Senate had refused to agree to the "three million amendment" proposed by the House, the loss of the *whole* bill, including *ordinary appropriations* for fortifications, should be *charged* to that body. This decision came with a *weight* and *energy* not to be withstood. The House would not pass a bill, the provisions of which the President's *first Secretary* had just pronounced *pitiful*. Then came the last scene—*delay, constitutional scruples, refusal to vote, threats against the Senate, &c. &c.*; and so perished the fortification bill in the House of Representatives.

As soon as this debate shall have been closed, (I hope and trust others who were present will not fail to express their opinions,) I am desirous of attending to the appropriation bills and other important business before the House. I trust some *good* may result from the *evil* of which there is so loud complaint; that we may not hereafter neglect the important business under our charge to the last few *disputed* hours of the session, when there may be neither time nor means to perform such duties with fidelity and sound discretion; when it may be in the power of a few, even a single individual, to defeat the most important measure.

I have always considered the fortification bill, with the three million amendment proposed, as a subject of *vast importance*, as involving more or less the question of *peace or war*—a question of vital importance to those whom I have the honor to represent. Since the President, in his annual message to Congress, has seen fit to complain of the loss of that bill; since the administration presses and administration men reiterate the complaint; since my colleague has seen fit to bring the subject before this House by a resolution and speech, I have felt bound to vindicate my own conduct, and the conduct of those with whom I had the honor to agree and act, and present the case to this House and the people, and especially to my constituents, to whom, without distinction of party, I am under obligations I shall never be able to cancel. I feel and acknowledge the weight of those obligations, and I trust, when my conduct shall be understood, their justice and candor will acquit me of negligence or want of fidelity in the discharge of my duty.



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